

REMARKS

Status of the Claims

With the entry of this amendment, claims 40-43 and 47-51 are pending, claims 1-39, 44-45, and 52-61 being cancelled herein.

Claims 40 – 42 and 47 are amended herein. These amendments are fully supported by the specification as originally filed. The amendments do not introduce new matter. These amendments are made without prejudice and are not to be construed as abandonment of previously claimed subject matter or acquiescence to any objection or rejection of record.

The amendment to the recited SEQ ID in claim 42 is to correct a clerical error. Support for the amended versions is found throughout the specification, e.g., in Table 5. Claim 40 is amended to more clearly define the unnatural amino acids of interest. Support for this amendment is found, e.g., in paragraph 34. The remaining amendments merely delete terms to which the Examiner objected and add no new matter.

35 U.S.C. §112, Second Paragraph – The Claims are Definite.

The claims were rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite regarding the terms “conservative variation” and “complementary polynucleotide” and the use of the term “at least 50% as efficiently as does an O-RS having an amino acid sequence as set forth in SEQ ID NO.: 48.” Applicants herein amend the claims to remove and/or clarify such terms.

35 U.S.C. §112, First Paragraph – The Claims are Enabled.

The claims were rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the enablement requirement. Specifically, the Examiner alleged that the claims are not enabled for any unnatural amino acid or for conservative variations of the O-RS. Without acquiescing to the rejection, Applicants herein amend the claims to expedite prosecution and respectfully request that the rejection be withdrawn.

35 U.S.C. §112, First Paragraph – The Written Description is Adequate.

The claims were also rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. Specifically, the Examiner alleged that the subject matter of the claims is not described in such a way to convey to one of skill in the

art that the inventors were in possession of the invention at the time the application was filed. Specifically, the Examiner alleged that the written description is inadequate with regard to any unnatural amino acid and for conservative variations of the O-RS. Without acquiescing to the rejection, Applicants herein amend the claims to expedite prosecution and respectfully request that the rejection be withdrawn

35 U.S.C. §102.

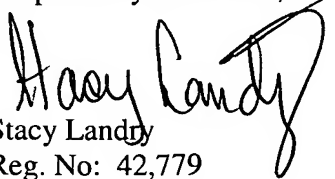
The claims were rejected under 35 U.S.C. §§102(a) as allegedly anticipated by Sakamoto. Applicants respectfully traverse. In order for a reference to anticipate an invention, the reference must teach each and every element of the claimed invention. Anticipation requires that "all limitations of the claim are found in the reference, or 'fully met' by it." Kalman v. Kimberly-Clark Corp., 218 USPQ 781, 789 (Fed. Cir. 1983). The rejection is moot with respect to the amended claims and Applicants respectfully request that the rejection be withdrawn.

35 U.S.C. §103.

The claims were rejected under 35 U.S.C. § 103 as obvious over Kiga, in view of Dougherty and Sakamoto. A finding of obviousness requires a determination of whether "the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time was made to a person having ordinary skill in the art to which said subject matter pertains." 35 USC § 103(a). The rejection is moot with respect to the amended claims and Applicants respectfully request that the rejection be withdrawn.

QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.
P.O. BOX 458
Alameda, CA 94501
Tel: 510 337-7871
Fax: 510 337-7877

Respectfully submitted,


Stacy Landry
Reg. No: 42,779